

John Boehner
Chairman
8th District, Ohio

House Meets at 1:00 p.m. for Legislative Business

Anticipated Floor Action:

H.Res. 507—Resolution Providing Special Investigative Authority for the Education & the Workforce Committee

H.J. Res. 120—Disapproving the Extension of Emigration Waiver Authority to Vietnam

H.R. 2183—Bipartisan Campaign Integrity Act (Continue Consideration)



H.Res. 507—Resolution Providing Special Investigative Authority for the Education & the Workforce Committee

Floor Situation: The House is scheduled to consider H.Res. 507 as its first order of business today. The resolution is debatable for one hour and may not be amended.

Summary: H.Res. 507 provides special investigative authority to the Education & Workforce Committee. This authority will be granted to the chairman of the full committee and may be used only in connection with the investigation into the 1996 election of the International Brotherhood of Teamsters (IBT) currently being conducted by the Subcommittee on Oversight & Investigation. Information obtained under this deposition authority will be considered as having been taken in executive session by the subcommittee, which makes the information confidential. The matters being investigated include financial mismanagement at the union and possible manipulation of its pension fund. Specifically, the deposition authority will (1) allow lengthy, detailed questioning of witnesses, which is not possible at a hearing; (2) allow hostile witnesses to be subpoenaed for depositions without being subject to the five-minute rule and other hearing constraints; (3) reduce demands on members who do not have the scheduling flexibility to participate in extended interviews with witnesses; and (4) expedite the investigation by making it possible to obtain information that would otherwise be unavailable to the subcommittee. H.Res. 507 was introduced by Mr. Goodling on July 21, 1998 and was reported by the Rules Committee.

Views: The Republican Leadership supports passage of the resolution. At press time, an official Clinton Administration view was unavailable.

Additional Information: See *Legislative Digest*, Vol. XXVII, #20, July 24, 1998.



H.J. Res. 120—Disapproving the Extension of Emigration Waiver Authority to Vietnam

Floor Situation: The House will consider H.J. Res. 120 today after it completes consideration of H.Res. 507. Yesterday, the House reached unanimous consent to waive all points of order against the joint resolution and provide one hour of general debate, equally divided and controlled by the chairman of the Ways & Means Committee or his designee (in opposition to the joint resolution) and Ms. Lofgren (in support). Also under the agreement, the opposition manager (Mr. Crane) will yield half of his time to Mr. Rohrabacher (who supports the joint resolution); and Ms. Lofgren will yield half of her time to Mr. Matsui (who opposes the joint resolution).

Summary: H.J. Res. 120 disapproves President Clinton's decision to waive certain emigration requirements on behalf of Vietnamese citizens entering the U.S. As proposed, the president's waiver makes Vietnam eligible for certain U.S. government financial incentives, such as loan credits and guarantees. Jackson-Vanik provisions of the 1974 Trade Act (*P.L. 93-618*) prohibits countries with nonmarket economies from engaging in trade operations with the U.S. if those countries (1) deny citizens the right or opportunity to emigrate to other countries, including the U.S.; (2) impose more than a nominal tax on emigration, documents used for emigration, or for other purposes; or (3) impose more than a nominal tax or other charge on any citizen if they express a desire to emigrate to another country. Countries who violate any of these provisions cannot enjoy normal trade relations with the U.S. unless the president waives the emigration prohibition because he determines the waiver will "substantially promote" the Jackson-Vanik objectives in that country. A CBO cost estimate was unavailable at press time. H.J. Res. 120 was introduced by Mr. Rohrabacher and was reported by the Ways & Means Committee by voice vote on June 25, 1998.

Views: The Republican Leadership has not expressed an official position on the bill. The Clinton Administration opposes its passage.

Additional Information: See *Legislative Digest*, Vol. XXVII, #20, July 24, 1998.



H.R. 2183—Bipartisan Campaign Integrity Act

Floor Situation: The House is scheduled to continue consideration of H.R. 2183 after it completes consideration of H.J. Res. 120. The House has been considering the Shays-Meehan substitute under a modified open rule. The rule makes in order 11 substitute amendments and provides an

hour of general debate on each substitute. The rule accords priority in recognition to members who have their amendments to the substitutes pre-printed in the *Congressional Record* and prohibits perfecting amendments to the substitutes that include tax or tariff measures. The rule states that if more than one substitute amendment is adopted, the one which receives the greatest number of votes will prevail and be reported back to the House. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Under a unanimous consent agreement reached on July 17, 1998, the House will continue considering 55 amendments to the substitute, each debatable for 10 minutes except for those specified otherwise, in the order specified below.

Summary: H.R. 2183 amends the 1971 Federal Election Campaign Act (FECA) to (1) ban the use of certain “soft money” by national political parties and federal candidates; (2) increase the aggregate annual limit on contributions made by individuals to political parties; and (3) repeal limitations on the amount of coordinated expenditures that may be made by political parties. The bill indexes contribution limits to inflation beginning in 1999. The bill requires that radio and television communications paid for by third parties be fully disclosed. It revises current Federal Election Commission (FEC) filing requirements to mandate monthly reports by principal campaign committees and other political committees and requires electronic filing for certain reports. The bill also eliminates the “best efforts” exception with respect to obtaining information regarding the occupation or the name of employers of certain individual contributors. The bill was introduced by Hutchinson *et al.* and was not considered by a House committee.

Views: The Republican leadership has not taken a unified position on the measure or any of the substitutes. An official Clinton Administration viewpoint was also unavailable at press time.

Substitutes: The rule makes in order 11 substitute amendments and provides for an hour of general debate on each substitute. The House is expected to continue debating the Shays-Meehan substitute today.

— *Shays-Meehan Substitute* —

The Shays-Meehan substitute eliminates federal and state soft money that influences federal elections. It redefines the concept of “express advocacy,” as it applies to campaign spending by independent groups and party organizations, to include radio and television communications that refer to a clearly identified federal candidate within 60 days of an election or those communications that include unmistakable support for or opposition to a clearly identified federal candidate outside the 60-day period. The substitute permits only hard money to be used for express advocacy ads. The amendment requires candidates to file their FEC reports electronically and requires the FEC to post reports on the Internet.

The substitute requires anyone who makes an independent expenditure of \$1,000 or more within 20 days of an election to file a report with the FEC within 24 hours and permits the FEC to conduct random audits and investigations of campaign committees. The amendment prohibits a campaign committee from depositing a contribution check before all contributor information is complete.

It clarifies restrictions on fundraising on federal property and codifies the Supreme Court's *Beck* decision which requires labor organizations to annually notify employees who pay agency fees that they are eligible to object to the use of their funds for political activities. Finally, the amendment bans political parties from making coordinated expenditures on behalf of those candidates that do not limit their own spending to \$50,000. The amendment contains the language of H.R. 3526, the Bipartisan Campaign Reform Act, which was introduced by Mr. Shays and Mr. Meehan on March 19, 1998. **Staff Contacts: Allison Rak (Shays), x5-5541; Amy Rosenbaum (Meehan), x5-3411**

Amendments: On Friday, July 17, the House adopted a unanimous consent agreement to consider 55 additional amendments to the substitute. At press time, 35 remained. Unless otherwise specified, each amendment is debatable for 10 minutes.

Postponed Votes

On Monday, July 20, the House debated, but has not yet voted on, the following amendments:

- * an amendment by **Mr. Goodlatte** (#47) to modify the "motor-voter" registration law to confront the wave of illegal voter registration and voting fraud that has been charged with compromising recent elections. Specifically, the amendment repeals the federal mandate requiring states to permit voter registration by mail. The amendment requires voters to provide proof of citizenship and Social Security numbers when registering to vote. Furthermore, the amendment allows states to require voters (with the exception of uniformed servicepersons) to provide photo identification before voting. **Staff Contact: Brett Shogren, x5-5431**
- * an amendment by **Mr. Wicker** to permit states to require photo identification of voters before they receive a ballot for voting in an election for federal office. **Staff Contact: Drew Maloney, x5-4306**
- * an amendment by **Mr. Calvert** (#15) to limit the amount of contributions that a congressional candidate, delegate, or resident commissioner may receive from individuals who do not live in the congressional district (in the case of a House of Representatives campaign) or state (in the case of a Senate campaign) in which the candidate is running. The amendment prohibits out-of-state and out-of-district contributions from exceeding that of in-state and in-district contributions—thus requiring at least a 50/50 split. The amendment further requires that all candidates detail in their campaign committee report (covering the period 19 days before an election and 20 days after an election) the total contributions from local individuals and those of all individuals as of the last day of the report. Finally, the amendment establishes a penalty for candidates whose contributions exceed the above limitation—a fine equal to 200 percent of the amount in excess of the permitted amount. Interest may accrue on any portion of the fine that has not been paid after 30 days after being levied. **Staff Contact: Dave Kennet, x5-1986**
- * an amendment offered by **Ms. Smith** to (1) add communications posted on the Internet to the substitute's exemption for printed material from the definition of "express advocacy;" (2) allow voting records and scorecards to cover the position of a single candidate, instead of the substitute's current required coverage of two or more can-

didates; (3) allow the sponsor of a voting guide to state its agreement or disagreement with the position of the candidate; (4) stipulate that distributing and collecting questions from candidates for the purpose of preparing voter guides is not a coordinated campaign activity; (5) eliminate the substitute's requirement that campaign material be educational and instead use current standards that prohibit unmistakable and unambiguous support for or opposition to candidates—such as “vote for” or “against;” (6) limit the definition of coordinated activities to shared professional campaign services, and specifically exempt mailhouse services used for distribution of voter guides; and (7) exempt lobbying of candidates holding state or elective office from coordinated activity. *Staff Contact: John Dutton, x5-3536*

The following amendments remain to be considered, debatable in the order listed below.

Mr. Rohrabacher may offer an amendment to allow candidates whose opponents spend more than \$1,000 in personal funds to accept contributions from any legal source up to the same amount of the opponents' personal funds spent in the election. The purpose of the amendment is to level the campaign finance playing field which, proponents of the amendment argue, currently favors wealthy candidates. *Staff Contact: Phaedra Baird, x5-2415*

Mr. Paul may offer an amendment (#68) to establish minimum ballot petition signature limits and impose ballot petition time limits. Candidates for president, vice president, or the Senate, must get a minimum of one-tenth of one percent of the signatures of the individuals who voted in the most recent federal election in the state, or 1,000 signatures—whichever is greater. Candidates for the House must get one-half of one percent of the signatures, or 1,000 signatures. The amendment also states that petition signatures may not be restricted by states for candidates whose respective parties received a minimum of one percent of the votes cast in the most recent election for president or Senate in that state. *Staff Contact: Joe Becker, x5-2831*

Mr. Paul may offer an amendment to require recipients of federal matching campaign funds to agree in writing not to participate in debates in which all other candidates for that office—who receive federal funds or are on the ballot in a minimum of 40 states—are not invited. *Staff Contact: Joe Becker, x5-2831*

Mr. DeLay may offer an amendment (#81) to modify the 1971 Federal Election Campaign Act to exempt legislative alerts from coverage under “express advocacy” requirements. *Staff Contact: Tony Rudy, x5-5951*

Mr. DeLay may offer an amendment to express the sense of Congress that the attorney general should appoint an independent counsel to investigate the Clinton Administration and its activities in the 1996 election. *Staff Contact: Tony Rudy, x5-5951*

Mr. Peterson (PA) may offer an amendment (#16), debatable for 40 minutes, to require the Attorney General, in consultation with the Social Security Commissioner, to establish a voluntary pilot program for state and local election officials to determine voter eligibility regarding a voter's citizenship. The pilot program would seek to establish a reliable, secure method by which to compare the name, date of birth, and Social Security number provided in an inquiry with data maintained by the Social Security Commissioner in order to confirm whether or not the voter is a citizen of the United States.

The pilot program will be established first in California, New York, Texas, Florida, and Illinois. **Staff Contact: Bob Ferguson, x5-5121**

Mr. Barr may offer an amendment to require individuals to present proof of citizenship prior to voting in federal elections. **Contact: x5-2931**

Mr. Barr may offer an amendment, debatable for 40 minutes, to prohibit the use of bilingual ballots. **Contact: x5-2931**

Mr. Traficant may offer an amendment (#17) to modify House rules to make in order a motion to expel a member, at any time after the legislative day following the date on which the member is convicted of knowingly accepting a foreign campaign contribution, from the House of Representatives. The motion will be highly privileged, with no amendments or motions to reconsider allowed. **Staff Contact: Paul Marcone, x5-5261**

Mr. DeLay may offer an amendment, debatable for 40 minutes, to prohibit the Federal Election Commission (FEC) from including background music in political advertisements as a basis for “express advocacy.” The amendment arises from *Christian Action Network v. FEC*, a case recently decided by the First Circuit Court of Appeals in which the FEC claimed that background music constituted “express advocacy.” The court decided against the FEC and awarded the Christian Action Network attorney’s fees because the prosecution was not substantially justified. **Staff Contact: Tony Rudy, x5-5951**

Mr. DeLay may offer an amendment (#85) to limit the substitute’s expanded treatment of contributions provided in coordination with a candidate as “express advocacy” communications. **Staff Contact: Tony Rudy, x5-5951**

Mr. DeLay may offer an amendment (#83) to eliminate, in the substitute’s definition of “coordination with candidates,” the payment of shared campaign-related services. **Staff Contact: Tony Rudy, x5-5951**

Mr. DeLay may offer an amendment (#84) to prohibit congressional communications regarding legislative positions of members from being interpreted as “coordination with a candidate.” **Staff Contact: Tony Rudy, x5-5951**

Mr. Schaffer may offer an amendment to prohibit involuntary assessment of employee funds for the political activities of any national bank, corporation, or labor union. The amendment will require such entities to obtain permission from employees before using their funds to engage in political activity. **Contact: x5-4676**

Mr. Horn may offer an amendment to allow the principle campaign committee for a House or Senate candidate to send campaign mailings at the reduced postal rate now provided to party committees with a limit of two mailings per household in the candidate’s district or state. **Staff Contact: Dave Bartel, x5-6676**

Mr. Upton may offer an amendment to require that at least 50 percent of total contributions to candidates for federal office comes from individuals, thus limiting contributions from PACs and political committees. **Staff Contact: Jon Terry, x5-3761**

Mr. Smith (MI) may offer an amendment (#72) to require radio, television, and cable operators to report to the FEC the identity of political advertisers (including issue advocacy and candidate information) as well as the cost, duration, and any other appropriate information regarding the political advertisements. *Staff Contact: Paul Borchers, x5-6276*

Mr. Shadegg may offer an amendment to allow a candidate for federal office to pursue expedited review for violations of the 1971 Federal Election Campaign Act (FECA) occurring within 90 days of the election date. The amendment allows the candidate to file with a U.S. District Court to request civil action, including an injunction against the alleged violator. The amendment urges the court to issue a decision regarding the action as soon as practical and, to the greatest extent possible, issue the decision before the election involved. Proponents of the amendment assert that current election law provides no recourse for candidates to fight violations that occur weeks or days before an election. Moreover, argue supporters, the administrative process used by the Federal Election Commission (FEC) to review cases precludes any reasonable rectification of violations before election day. *Staff Contact: Caroline Lynch, x5-3361*

Mr. DeLay may offer an amendment (#82) to prohibit “voter guides” from being interpreted as “express advocacy”. *Staff Contact: Tony Rudy, x5-5951*

Mr. Shaw may offer an amendment to prohibit candidates for the House of Representatives from raising more than 50 percent of campaign funds out of the state in which the candidate is running. *Staff Contact: Caroline Lunsford, x5-3026*

Ms. Kaptur may offer an amendment (#71) to prohibit contributions by multicandidate political committees or separate funds sponsored by foreign-controlled corporations and associations. The amendment defines “foreign-owned corporation” as a corporation which has at least 50 percent of its ownership interest controlled by persons other than citizens or nationals of the United States. The amendment also establishes a clearinghouse of political activities information within the Federal Election Commission. The duties of the director of the clearinghouse include developing a filing, coding, and cross-indexing system; as well as identifying all persons in FEC reports, registrations, and other existing public disclosures. *Staff Contact: Tim Sechrist, x5-4146*

Ms. Kaptur may offer an amendment (#73) to stipulate that if any portion of the substitute is found unconstitutional by the Supreme Court, then the House will consider a joint resolution proposing a constitutional amendment to set reasonable limits on expenditures in federal campaign. *Staff Contact: Tim Sechrist, x5-4146*

Mr. Stearns may offer an amendment to prohibit presidential candidates who receive federal funding from soliciting soft money. Specifically, the amendment states that any candidate for president or vice president cannot receive funds from the Presidential Election Campaign Fund unless the candidate certifies that he or she will not solicit any funds to use to influence the election, including any funds for an independent expenditure. *Staff Contact: Peter Krug, x5-5744*

Mr. Stearns may offer an amendment to establish criminal penalties for committing a conspiracy to violate presidential campaign spending limits. The amendment defines “conspiracy” as two or more persons who seek to avoid the spending limits applicable to the candidate under the Federal Election Campaign Act by soliciting, receiving, transferring, or directing funds from any source that directly or indirectly benefits the candidate’s campaign. The penalty for such a conspiracy includes a prison term of up to three years and a fine of up to \$1 million. *Staff Contact: Peter Krug, x5-5744*

Mr. Stearns may offer an amendment to permit permanent residents who served in the Armed Forces to make contributions to political campaigns and committees. *Staff Contact: Peter Krug, x5-5744*

Mr. Whitfield may offer an amendment (#40 or #114) to require that any court reviewing the constitutionality of this bill must use as their standard of judgment the “strict scrutiny” test—i.e., the bill must serve a compelling governmental interest in the least restrictive manner possible. *Staff Contact: Jason Van Pelt, x5-3115*

Mr. Whitfield may offer an amendment (#42 or #113) to require the Federal Election Commission (FEC) to observe First Amendment limits on regulatory activities. The amendment requires the FEC to act in a manner that will have the least restrictive effect on the rights of free speech and association when prescribing forms or making, amending, or repealing its rules. Upon review by a court, any actions by the FEC not in harmony with these principles must be found unlawful and be set aside. *Staff Contact: Jason Van Pelt, x5-3115*

Mr. English may offer an amendment to prohibit “bundling” of campaign contributions, whereby PACs and other organizations combine contributions from several sources and then forward them to candidates. The amendment allows such intermediaries to provide only advice to individuals about making a contribution—e.g., providing addressing information. *Staff Contact: Laura Eugster, x5-5406*

Mr. Gekas may offer an amendment an amendment to apprehend “tainted money.” Specifically, the amendment requires political committees to transfer suspected illegal or improper campaign contributions of over \$500 to the Federal Election Commission (FEC) if the contribution was late in being returned—i.e., after more than 60 days. The FEC must hold the money, notify the attorney general and the IRS, and investigate whether the contribution was from a foreign source, was made in the name of another source, or was otherwise illegal. The FEC or the attorney general may require that the money be forfeited or applied to fines and penalties against illegal contributions. The FEC must return the money if it concludes that it had no reason to investigate, plans not to use the money, or if money is left over after fines and penalties. *Staff Contact: Jim Harper, x5-2825*

Mr. Miller (FL) may offer an amendment (#93) to increase the disclosure requirement for labor activities from \$10,000 to \$40,000. The amendment includes in the total disclosure money spent for officer and employee payments; fees, fines, and assessments; office and administrative expenses and direct taxes, educational and publicity expenses, professional fees; contributions and grants; as well as contract negotiations, organizing, striking activities, political activities, and lobbying activities. The amendment takes effect December 31, 2000. *Staff Contact: Dani Doane, x5-5015*

Mr. Doolittle may offer an amendment to permit courts to require the Federal Election Commission (FEC) to pay attorney’s fees and costs to prevailing parties. *Staff Contact: Pete Evich, x5-2511*

Additional Information: See *Legislative Digest*, Vol. XXVII, #14, Pt. II, June 1, 1998.

